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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/029,363	12/20/2001	Jun Akiyama	70868/56816	4327

21874 7590 04/11/2005

EDWARDS & ANGELL, LLP
P.O. BOX 55874
BOSTON, MA 02205

EXAMINER

HUBER, PAUL W

ART UNIT	PAPER NUMBER
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2653

DATE MAILED: 04/11/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/029,363

Applicant(s)

AKIYAMA, JUN

Examiner

Paul Huber

Art Unit

2653

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 March 2005.
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1,2,5,6,9 and 10 is/are rejected.
7) ☒ Claim(s) 3,4,7 and 8 is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 033005.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____

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The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 2, 5, 6, 9 and 10 are rejected under 35 U.S.C. 102(e) as being anticipated by Shimizu et al. (USP-6,208,601).

Regarding claims 1 & 10, Shimizu et al. discloses an optical disk apparatus in which an active layer of an optical disk is irradiated with a laser, the optical disk apparatus and the optical disk are maintained at substantially the same temperature. See abstract and figures 1 & 5. A detection means 234 detects an amount of change in a factor causing fluctuation in effective power, i.e., disk tilt, the effective power being the laser power at the active layer of the optical disk. Storage means 27 stores compensation data indicating a relationship between an amount of change in the factor causing fluctuation in effective power and an optimum emitted power corresponding to the amount of the change. Control means 26 adjusts emitted power based on the compensation data and a value detected by the detection means 234. See col. 5, line 23 through col. 6, line 61.

Regarding claim 2, Shimizu et al. discloses that an initial value of the laser light intensity for a particular optical disk is determined by an optimum power control (OPC) performed by recording prescribed information in a power calibration area (PCA) of the optical disk and reproducing the recorded information. A final adjusted laser light intensity corresponding to the detected disk tilt angle is based upon this OPC corrected initial value of the laser light intensity. Therefore, Shimizu et al. teaches acquisition means for acquiring, from an optical disk on which recording is to be carried out, initial compensation correction values (OPC data) for correcting the compensation data (stored disk tilt compensation data) for each particular optical disk. The control means 26 adjusts the emitted power based on the detected disk tilt value, the compensation data (stored disk tilt compensation data), and the initial compensation correction values (OPC data) as claimed. See col. 5, lines 35-41.

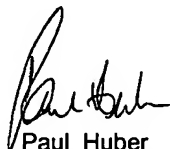
Regarding claims 5 & 6, the compensation data is set separately for each individual optical disk apparatus. See col. 7, lines 21-28.

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Regarding claim 9, Shimizu et al. discloses in reference to figure 5 a method for adjusting the laser power in an optical disk apparatus as claimed. The storage means compensation data (stored disk tilt compensation data) is acquired and stored in advance for respective types of optical discs. See col. 7, lines 21-28.

Claims 3, 4, 7 and 8 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Any inquiry concerning this communication should be directed to Paul Huber at telephone number 571-272-7588.



Paul Huber
Primary Examiner
Art Unit 2653

pwh
April 5, 2005